

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

KALEKI OLIVER,)	CV NO. 04-00409 HG/BMK
)	
Plaintiff,)	DECLARATION OF KURT
)	AKAMINE
vs.)	
)	
OHANA PACIFIC MANAGEMENT INC.;)	
HALE KUPUNA HERITAGE HOME,)	
LLC, JORDAN GOMEZ; and KURT)	
AKAMINE,)	
)	
Defendants.)	
_____)	

DECLARATION OF KURT AKAMINE

KURT AKAMINE declares the following:

1. I am the Director of Operations of Hale Kupuna Heritage Home, LLC ("Hale Kupuna"). I have been in this position since November 1, 2004. Prior to that, I was the Administrator of Hale Kupuna. I was hired by Hale Kupuna on August 1, 2001. I make this Declaration upon facts and information personally known to me except in those instances where statements are made upon information and belief and, in those instances, I believe them to be true.
2. Hale Kupuna is a private nursing facility located in Omao, Kauai.

EXHIBIT B

3. As Hale Kupuna's Director of Operations and, previously, as its Administrator, the payroll and human resources functions fall under my supervision. In both positions, I am and have been involved with and/or apprised of all personnel actions and decisions at Hale Kupuna.

4. Plaintiff Kaleki Oliver ("Plaintiff") was employed by Hale Kupuna as a Certified Nurse Assistant ("CNA") from August 15, 2002 until her resignation in December 2004.

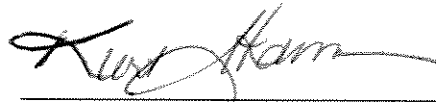
5. Jordan Gomez has been employed by Hale Kupuna as a CNA since May 23, 2000. He is currently employed by Hale Kupuna in that capacity.

6. At all times during Plaintiff's employment by Hale Kupuna, Hale Kupuna had more than 15 employees.

7. Personnel decisions for Hale Kupuna employees are made by Hale Kupuna. Hale Kupuna makes the decision whether and who to hire, whether disciplinary action of a Hale Kupuna employee is warranted, and whether or not to terminate the employment of a Hale Kupuna employee. All employment decisions with respect to Plaintiff during her employment with Hale Kupuna were made by Hale Kupuna.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 13, 2005.

A handwritten signature in cursive script, appearing to read "Kurt Akamine", written in black ink.

KURT AKAMINE